

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

SEBASTIAN RUCCI, )  
Plaintiff, )  
vs. ) Case No. 4:03CV0987 HEA  
MISSOURI BOARD FOR )  
ARCHITECTS, PROFESSIONAL )  
ENGINEERS, PROFESSIONAL )  
LAND SURVEYORS AND )  
LANDSCAPE ARCHITECTS )  
Defendant, )

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on Defendant Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects' (the Board) Motion to Dismiss pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, [Doc. # 39]. Plaintiff has filed an opposition to the motion. For the reasons set forth below, Defendant's Motion to Dismiss is granted.

On February 4, 2005, the Eighth Circuit Court of Appeals rendered its opinion in this matter wherein it held that "Mr. Rucci's suit against the Board was barred by the Eleventh Amendment." The Appellate Court reversed this Court's previous denial of the Board's Motion to Dismiss and remanded the matter for proceedings consistent with the Opinion.

Leave was given, pursuant to the Opinion, to amend the Complaint to add the individual members of the Board as defendants. Plaintiff has now done so, but, the

Complaint continues to name the Board as a defendant. In light of the Eighth Circuit's conclusion that the suit against the Board is barred by the Eleventh Amendment, plaintiff cannot continue to maintain this action against it.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects' Motion to Dismiss, [# 39], is granted and the Board is dismissed from this action.

Dated this 15th day of August, 2005.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE